

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

SHOSHANA BAUM

Plaintiff,

-against-

NCO FINANCIAL SYSTEMS, INC.

Defendant.

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ JUN 30 2004 ★

COMPLAINT

LONG ISLAND OFFICE

WEINSTEIN, J.
CHIEF

Plaintiff, by and through her attorney, Adam J. Fishbein, as and for her complaint alleges as follows:

INTRODUCTION

0.1 This is an action for damages brought by an individual consumer for defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA") which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

PARTIES

0.2 Plaintiff is a natural person residing in Kings County, New York.

0.3 Upon information and belief, defendant NCO Financial Systems, Inc. is a corporation with its principal place of business located in Horsham, Pennsylvania. Defendant is an active foreign corporation and is a collection agency within the meaning of the FDCPA.

JURISDICTION

0.4 This Court has jurisdiction pursuant to 15 U.S.C. § 1692k (FDCPA) and 28 U.S.C. § 1331.

AS AND FOR A FIRST CAUSE OF ACTION

1.1 Plaintiff realleges paragraphs 0.1 through 0.4 as if fully restated herein.

1.2 That a personal debt was allegedly incurred by the plaintiff to Citibank.

1.3 That at a time unknown to the plaintiff herein, the aforementioned debt was referred to defendant for collection.

1.4 In or about April or May, 2004, Kathy on behalf of NCO, contacted two people whom the plaintiff knows.

1.5 The collection representative stated that she was looking for Shoshana Kimmel to sue her on behalf of Citibank for a debt that she owed.

1.6 At the time of the leaving of the messages, Kathy could be reached at 800-227-4000, ext. 2898.

1.7 Upon information and belief, the collection office in the Buffalo area from which the calls were placed was formerly a different company taken over by defendant NCO.

1.8 Plaintiff has suffered actual emotional distress damages as a result of the defendant's harassment byd unlawfully .

1.9 Defendant violated the FDCPA. Defendant's violations include, but are not limited to, the following:

(a) The defendant violated 15 U.S.C. § 1692c(b) by unlawfully communicating with third parties.

(b) The defendant violated 15 U.S.C. § 1692d by engaging in conduct in connection with the collection of a debt, the natural consequence of which harassed and/or oppressed the plaintiff.

(b) The defcndant violated 15 U.S.C. § 1692c(10) by using false representations and deceptive means in an attempt to collect a debt.

1.10 As a result of the above violation of the FDCPA, defendant is liable to the plaintiff for the sum of plaintiff's statutory damages to be determined at trial, plus costs and attorney's fees.

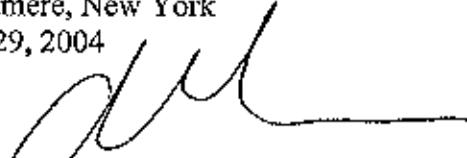
WHEREFORE, plaintiff respectfully prays that judgment be entered against defendant in the amount of:

(a) Statutory and actual damages pursuant to 15 U.S.C. § 1692k in an amount to be determined at the time of trial.

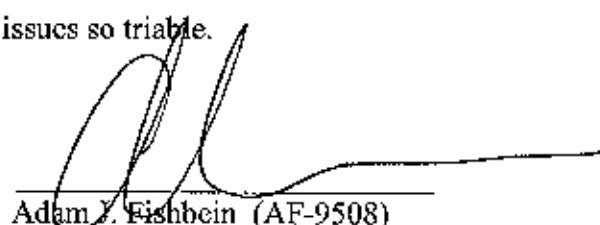
(b) Costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k.

(c) For such other and further relief as may be just and proper.

Dated: Woodmere, New York
June 29, 2004


Adam J. Fishbein (AF-9508)
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Plaintiff requests trial by jury on all issues so triable.


Adam J. Fishbein (AF-9508)